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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket No: 038602/1220

TECH CENTER 1600/2600
MAY 08 2002

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In re patent application of

TANG *et al.*

Serial No.: 09/897,755

Group Art Unit: 1627

Filed: July 3, 2001

Examiner: M.E. Garcia

For: INDOLINONE COMBINATORIAL LIBRARIES AND RELATED
PRODUCTS AND METHODS FOR THE TREATMENT OF DISEASE

RESPONSE TO A RESTRICTION REQUIREMENT

Commissioner for Patents
Washington, D.C. 20231

Sir:

In reply to the Office Action mailed March 7, 2002, please enter the following remarks.

Applicants concurrently file herewith a Petition for Extension of Time under 37 C.F.R. § 1.136(a), with provision for the required fee, to extend the period for response for one month up to, and including, May 7, 2002. If additional fees are necessary to prevent abandonment of this application, the Commissioner is hereby authorized to charge Deposit Account No. 19-0741.

REMARKS

Applicants provisionally elect Group IV, Claims 8 - 11 as they pertain to formula (VI), with traverse. Applicants traverse the restriction requirement on the ground that the Examiner has failed to adequately establish that search and examination of the entire application constitutes an undue burden.

The Examiner asserts that Applicants are required under 35 U.S.C. § 121 to elect a single disclosed species from whichever group is elected, even though this requirement is traversed.

Applicants hereby elect the species described Example (I), on page 61, namely 3-[(2,3-dimethylpyrrol-5-yl)-methylene]-2-indolinone.

It is understood that should the Examiner find the above species allowable, then the search and examination of the entire application will proceed according to the procedure set forth in MPEP § 803.02.

The Examiner has also required that Applicants list all claims that read on the elected species. Applicants believe that claims 8 - 11, at least as they pertain to formula (VI), read on the elected species.

Applicants reserve the right to file one or more divisional applications covering the subject matter of the non-elected claims.

Applicants respectfully request examination on the merits of this application. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Respectfully submitted,

May 6, 2002
Date

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